GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:3619
ANSWERED ON:25.08.2006
PUBLIC INTEREST LITIGATION
Saroj Shri Tufani

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether there has been unprecedented rise in the number of PILs filed in the Courts during the past few years;

(b) if so, the number of PILs filed in various Courts in the country, at present;

(c) whether misuse of PILs has also increased in the recent years; and

(d) if so, the steps being taken by the Government to rectify this situation?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY):

(a) and (b) The information has been called for and will be laid on the Table of the House.

(c) and (d) Whether the litigant(s) is misusing the facility of Public Interest Litigation (PIL) is for the judiciary to decide, as such matters fall exclusively within the jurisdiction of the higher judiciary. The Jurisdiction as to PILs has been exercised by the Courts within their writ jurisdiction which has been conferred by the Constitution. The Courts have been exercising their jurisdiction and discretion in selecting causes which should be heard by them in detail. The Courts have also laid certain parameters to sieve worthy PILs from publicity /Private/Pise/Political Interest Litigations. In Dr. Subbarao Vs. K.Parasaran 1996 (7) JT 265 the Court cautioned `No litigant has a right to unlimited drought on the Court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived and frivolous petitions`. There is no proposal before the Government to curb the PIL jurisdiction forming part of the writ jurisdiction of the Courts which is one of the basic features of the constitution.